

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Call for a Public Hearing Food Truck Law

DATE: 5-22-2023

DEPT OF ORIGIN: Mayor Williams

BILL # 71-2023

DATE SUBMITTED: 5/17/2023

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION
REQUIRED:

Resolution to call for a public hearing on proposed Food Truck Law

APPROVAL OF RESOLUTION

MOVED BY: Catillaz SECONDED BY: Brunette

VOTE ON ROLL CALL:

MAYOR WILLIAMS	<u>yes</u>
TRUSTEE BRUNETTE	<u>yes</u>
TRUSTEE CATILLAZ	<u>yes</u>
TRUSTEE SCOLLIN	<u>yes</u>
TRUSTEE SHAPIRO	<u>yes</u>

RESOLUTION CALLING FOR A PUBLIC HEARING ON
PROPOSED DRAFT FOOD TRUCK LAW

WHEREAS, the Village of Saranac Lake Board of Trustees has a draft Local Law to regulate Mobile Food Service Operations in the Village of Saranac Lake under the Village Code, and,

WHEREAS, to consider the adoption of the draft Local Law, a public hearing is set to be held on Monday, June 12, 2023 at 5:30 PM in the Village Board Room.

THEREFORE, BE IT RESOLVED, the Village Board of Trustees hereby sets a public hearing for Monday, June 12, at 5:30 PM in the Village Board Room at 39 Main St, on the second floor, for the purpose of gathering the publics input on the proposed Food Truck Law amending the Village of Saranac Lake Code.



Village of Saranac Lake

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Web Site: www.saranaclakeny.gov

Public Hearing Notice

Saranac Lake Village Board of Trustees

NOTICE IS HEREBY GIVEN, that the Saranac Lake Village Board of Trustees will hold a PUBLIC HEARING on Monday, June 12, at 5:30PM in the Village Office at 39 Main Street, Saranac Lake NY 12983. The purpose of the hearing is to receive public comment on proposed Draft Food Truck Law. The draft law can be found at www.saranaclakeny.gov or please contact the Village Clerk at 518-891-4150 ext. 202 or clerk@saranaclakeny.gov for more information.



Mobile Food Service Operations in the Village of Saranac Lake

Purpose

The purpose of this chapter is to regulate food trucks and food carts within the Village of Saranac Lake in a manner that protects the public health, safety, and welfare. This chapter describes the permitting procedures for mobile food service operations and is intended to operate in conjunction with the Village of Saranac Lake's Development Code.

Definitions

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

FOOD CART

A mobile food service cart or stand, which is only mobile when moved by human power, from which food and beverage (prepackaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food cart or food stand for consumption.

FOOD TRUCK

A mobile food service operation located in a licensed motorized vehicle or a movable trailer and from which food and beverage (prepackaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

FOOD TRUCK OPERATOR

The registered owner of a food truck or food cart or the owner's agent or employee.



Permit required

A. It shall be unlawful for any person or entity to operate a food truck or food cart within the Village without having obtained a permit for such purpose in accordance with the provisions of this chapter.

B. Any person or entity desiring to operate a food truck or food cart shall make a written application for a food truck permit to the Village Clerk. The application for a permit shall be made on forms provided by the Village and shall include the information required by this chapter and the following:

(1) Name, signature, telephone number, home address, and business address of the food truck operator and the registered owner of the food truck or food cart.

(2) Description and photograph of the food truck or food cart, including the license plate, registration number, VIN number, year, make, length, and model of the vehicle.

(3) Copies of the valid Franklin and/or Essex health department permit(s) for a mobile food service operation, dependent upon the county or counties in which the mobile food service operator intends to do business.

(4) Valid certificate of authority for a mobile food service operation.

(5) Valid proof of insurance, which must be kept continuously in force during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period and must meet the liability guidelines set by the Village. The policy shall provide that it may not be canceled except upon 10 days' written notice served upon the Village. The insurance must name the Village of Saranac Lake as an additional insured party, \$1,000,000 per occurrence/\$2,000,000 aggregate.

(6) Written waste disposal plan for all trash, water, grease, and other byproducts of the mobile food service operation.

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(7) If a mobile food service operator intends to operate multiple food trucks or food carts, a unique mobile food service permit must be obtained for each individual food truck or food cart.

(8) If applicable, must provide proof of consent from property owner.

General regulations for food trucks and food carts

A. Food trucks and food carts are permitted to operate in B-4, C-3, E-1, E-2, E-3, F-1, G, I, J-1, J-2, L-1, L-2, and L-3 Zoning Districts. Permitted Zoning Districts may be reviewed by the Village annually.

B. Food trucks and food carts are not permitted to operate on private property in permitted zoning districts without the express written consent of the corresponding property owner. A property owner may choose to withdraw consent for mobile food service operations on their property at any time, with or without cause or advance notice.

C. Food carts may operate in permitted locations, adjacent to walkways, provided they do not impede pedestrian access and maintain minimum distance requirements from stationary eating establishments (see subsections G and L below).

D. Food trucks and food carts shall not operate within any other location, unless specifically permitted by the Village of Saranac Lake's Board of Trustees.

E. Copies of all valid permits must be conspicuously displayed on the food truck or food cart at all times.

F. All food trucks must abide by all parking and vehicle and traffic laws, ordinances, rules, and regulations at all times, including, but not limited to, any durational requirements in force and effect at that time and location. Food trucks shall not operate on sidewalks, public right of ways, or walkways and may only park where motor vehicles may operate.

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G. Food carts may operate on or adjacent to sidewalks or walkways but must ensure that pedestrian access is not impeded. When located on or adjacent to a sidewalk or walkway, food carts must ensure that pedestrians have at least a 60-inch unobstructed path on the sidewalk or walkway.

H. No food truck or food cart shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

I. No mobile food service operator shall chain, connect, or otherwise attach any signs, goods, merchandise, chairs, stools, food cart or other equipment to any tree, parking meter, hydrant, sign or post, light pole, telephone pole, wire, guard rail, or other street appurtenance or leave any such items unattended on a public street, sidewalk, or place.

J. All food trucks and food carts must be equipped with trash receptacles of a sufficient capacity and shall be changed as necessary to prevent overflow or the creation of litter or debris. The contents of mobile food service trash receptacles may never be transferred to, or deposited in, village-maintained trash receptacles.

K. No alcohol may be sold or dispensed from food trucks or food carts.

L. Food trucks and food carts shall be located a minimum of 300 feet from the main entrance to any eating establishment, or any other permitted stationary food service business, during the stationary business's posted hours of operation, with the exception of special events in Village Parks.

M. Hours of operation of food trucks and food carts shall be limited to the hours of 7:00 a.m. through 9:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:00 midnight on official holidays and Friday and Saturday. There shall be no overnight parking or storing of food trucks or food carts at any permitted location. w/d

N. The mobile food service operator or their designee must be present at all times during the hours of operation.

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O. The mobile food service operator is responsible for the proper disposal of waste and trash associated with their operation. Operators shall remove all waste, trash, and other byproducts of their mobile food service operations from their site locations at the end of each day, or as needed to maintain the health and safety of the public. The operator shall keep all areas within five feet of the truck or cart clean of grease, trash, and refuse associated with the vending operation. No solid waste, liquid waste, or grease is to be disposed of on site, including, but not limited to, in or on storm drains, trees, lawns, tree lawns, sidewalks, streets, parking lots, trails, paths, or other public spaces.

P. Tents are prohibited. Awnings are only permitted if they are attached to the food truck or food cart and do not interfere with pedestrian or vehicular traffic.

Q. A mobile food service operator may obtain an annual (365 day), seasonal (180 day), monthly (30 day), or daily permit. Annual permits are for any 365 consecutive 365 day period. Seasonal permits shall be issued for any consecutive 180 day period. Monthly permits are any consecutive 30 day period. Any permit shall not be transferable from person to person. Any permit is valid only for the food truck or food cart for which it was issued.

R. The mobile food service operator shall comply with all notices, orders, decisions and rules and regulations made by the Village Office of Code Enforcement, the Franklin and/or Essex County health departments, the Village of Saranac Lake Police Department, or any other Village department and/or agency.

S. Food trucks shall be licensed as motor vehicles and able to be operated on the public streets of New York State.

T. The Village does not provide water, sewer, or electric service to mobile food service operations.



Signage

All food trucks and food carts shall be permitted a single freestanding sign, with a maximum of two sides, not greater than six square feet per side, in addition to the following:

- (1) There shall be no limit on the size or number of signs painted on the truck or cart.
- (2) Signs affixed to the truck or cart shall not be mounted perpendicular to the truck or cart and shall not protrude beyond the edges of the truck or cart.
- (3) Any signage, including the single freestanding sign, may not be located or positioned so as to impede, block, or impair pedestrian walkways or handicapped accessibility, or in any way obstruct or limit Village operations.

Permit fees

All operators shall pay a mobile food service permit fee in an amount set from time to time by the Village Board of Trustees. Annual mobile food service permits shall cost \$750; seasonal mobile food service permits shall cost \$500; monthly mobile food service permits shall cost \$200; daily mobile food service permits shall cost \$75. Payment in full is due to the Village Clerk at time of permit issuance.

- (1) A fee of \$25 per day will be charged to food cart and food truck operators who choose to utilize Village electricity where available.

Exceptions

A. Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court; to farmers and truck gardeners, who themselves or



through their employees vend, sell, or dispose of products of their own farms and gardens; or to berry pickers who sell berries of their own picking.

B. The Village Board of Trustees may also grant exemptions from this chapter for special events or other occasions.

Administration and enforcement

A. The Village may fine an operator or revoke a mobile food service permit for cause, including, but not limited to, the following:

- (1) Violating the general regulations for mobile food service operations in the Village.
- (2) Committing fraud or misrepresentation or making false statements in the mobile food service permit application.
- (3) Committing fraud or misrepresentation or making false statements in connection with the sale of food or beverages.
- (4) Violating any ordinances, regulations, or laws applicable to the holder of such a permit.
- (5) Conducting permitted mobile food service operations in an unlawful manner or in such a way as to constitute a menace to the health and safety of the public.

B. Any mobile food service operator who violates any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than \$250, nor more than \$500, for each violation.

C. Conviction of two violations of any provision of this chapter shall result in the immediate revocation of the mobile food service permit, which, if occurs, will not result in any refund of the permit fee. If the mobile food service permit is revoked,



the operator will not be allowed to apply for another mobile food service permit for any food truck or food cart for 12 months from the date of the revocation.

D. The mobile food service operator may be required to relocate their food truck or food cart, or any of their appurtenances, if a Village Code Enforcement officer, law enforcement officer, other code enforcement officer, or property owner determines that the mobile food service operations are causing parking or traffic congestion, pedestrian impediments, or litter problems either on or off the property where the use is located, or that such use is otherwise creating a danger to the public health or safety.

E. Property owners, or their representatives, may designate specific locations of their property where the mobile food service may operate.

Appeals

A. Any applicant denied a mobile food service permit may appeal to the Village Board of Trustees, in writing, within 30 days of the application denial.

B. Any mobile food service operator may appeal a related enforcement action to the Village Board of Trustees, in writing, within 30 days of the enforcement action.